

## Remarks/Arguments

In the Office Action the Examiner rejects pending claims 1-6, 20, 29-31, and 33. Claim 1 is rejected under 35 USC 102(b) while claims 2-6, 20, 29-31, and 33 are rejected under 35 USC 103(a). Applicant respectfully traverses the rejections in view of the remarks set forth below. Further, claim 33 is objected to by the Examiner and claims 36, 41, 42, 45, and 47 are allowed.

### Rejection under 35 USC 102(b):

The Examiner rejected Claim 1 as being anticipated by Kumlin, stating that Kumlin shows a particle entrapment pad having an impervious bottom layer 29 and a high loft non-woven layer 23. Applicant respectfully traverses this rejection.

Kumlin is directed to a disposable pet toilet assembly comprising an impervious bottom layer and an absorbent material which is deployed in a plurality of strips which are attached together and caused to stand upright and arrayed to touch each other so as to develop friction and provide a soft resilient grasslike texture. Applicant asserts that Kumlin does not anticipate the present invention for the following reasons: 1) Kumlin is specifically directed to a plurality of absorbent strips, namely paper, while the present invention is directed to a nonwoven material. The absorbent strips of Kumlin are neither the same as nor inclusive of the high loft nonwoven material of the present invention. Nonwoven materials are fabrics made directly from individual fibers that are matted together by forming an interlocking web of fibers either mechanically (tangling together) or chemically (gluing, bonding, or melting together). 2) Kumlin is directed to a top layer of absorbent material, while the invention is directed to a top layer of non-woven

material. The nonwoven top layer of the present invention is not an absorbent material but only serves to entrap particles. This point is now clarified by the above amendment, and is not new matter. As set forth on page 7 of the specification, the nonwoven top layer serves to entrap particles and addition of an extra absorbent layer is required for the pad to display absorbent properties. 3) Kumlin discloses only a pet toilet for receiving urine and feces and does not anticipate the multi-use particle entrapment pad of the present invention. Further, while the Kumlin invention does provide for accepting solid matter such as cat feces, the present invention is functionally superior to and different from the Kumlin invention. For instance, any particles inadvertently accepted by the Kumlin invention would be easily released if the pet toilet was picked up or moved, and animals could scratch particles back out of the pad of the Kumlin invention. Accordingly, Applicant asserts that the claims of the present invention are patentably distinguishable over the cited references and, therefore, requests that the rejection be withdrawn.

Rejections Under 35 USC 103(a):

Claims 2 and 3 are rejected under 35 USC 103(a) as being unpatentable over Kumlin in view of Loeb (5,152,250). The Examiner asserts that while Kumlin does not show the use of a cling enhancing substance, Loeb shows a litter which is treated with a substance to enhance cling; therefore, use of the cling enhancing substance of Loeb with the pad of Kumlin would have been obvious to one skilled in the art to prevent particles from bouncing free of the pad. Applicant respectfully traverses this rejection.

As set forth above, Kumlin does not disclose a particle entrapment pad having a high loft nonwoven top layer as claimed in the present invention. Further, Kumlin is

directed solely to a pet toilet and does not even suggest use as a particle entrapment pad as claimed in the present invention. In fact, at column 9, lines 49-52, Kumlin addresses the fact that feces will be kicked out of the pet toilet by the cat. Clearly Kumlin does not anticipate nor suggest entrapping particles but is directed solely to urine absorption.

Loeb does not make up for the shortcomings of Kumlin as Loeb is simply directed to an animal litter treated with a biodegradable carrier that provides absorbent characteristics to the litter and facilitates agglomeration of wet litter to form a mass. Kumlin combined with Loeb does not provide for or suggest a multiuse high loft nonwoven particle entrapment pad.

Claims 4 and 6 are rejected under 35 USC 103(a) as being unpatentable over Kumlin in view of Kiebke (5,126,980). The Examiner asserts that Kumlin does not disclose the use of baking soda or odor-counteractive agent, but that Kiebke shows a litter composition containing baking soda or sodium bicarbonate and a deodorizer; therefore combining Kumlin with Kiebke would have been obvious to control odors that might develop from particles trapped in the pad. Applicant respectfully disagrees with this assertion.

As set forth above, Kumlin does not disclose a high loft nonwoven particle entrapment pad of the present invention, and further does not disclose or even suggest particle entrapment. As Kumlin does not disclose or anticipate particle entrapment, we further set forth that deodorization due to particle entrapment is also not addressed by Kumlin. Further, deodorization due to odors caused by urine is addressed by Kumlin at column 5, lines 44-49 and column 10, lines 3-8 by using the natural deodorizers of carbon black in the preferred recycled newspaper embodiment. Since Kumlin fully

addresses urine deodorization, there is no motivation to combine Kumlin and Kiebke, and, further, there is no suggestion that the deodorizers of Kiebke are needed. Accordingly, Applicant respectfully asserts that Kiebke does not compensate for the shortcomings of Kumlin and that there is no motivation to combine Kiebke and Kumlin; therefore, Applicant requests that the rejection of claims 4 and 6 be withdrawn.

The Examiner rejected Claim 5 under 35 USC 103(a) as being unpatentable over Kumlin in view of Goss et al. (6,039,004), asserting that while Kumlin does not disclose the use of an anti-microbial, Goss et al. teaches use of an anti-microbial agent with animal litter. As set forth previously, Kumlin does not disclose a high loft nonwoven particle entrapment pad of the present invention, and further does not disclose or even suggest particle entrapment. While Goss et al. discloses anti-microbial animal litter, Goss et al. does not provide for the basic shortcomings of Kumlin, and therefore, does not render the present invention obvious.

Claim 20 is rejected under 35 USC 103(a) as being unpatentable over Kumlin in view of Harris (6,050,223). The Examiner asserts that while Kumlin does not show the pad in use with a litter box, Harris shows a litter mat adjacent to a cat litter box; therefore, using the pad placement of Harris with the pad of Kumlin would render the present invention obvious. Applicant respectfully disagrees with this assertion. Again, Kumlin does not disclose a high loft nonwoven particle entrapment pad of the present invention, and further does not disclose or even suggest particle entrapment, and Harris does not disclose or suggest this critical aspect of the present invention. Further, the invention of Kumlin is meant to replace litter not entrap it; therefore, there would be no need,

suggestion, or motivation to combine the teachings of Kumlin and Harris. Accordingly, Applicant respectfully requests that the rejection of claim 20 be withdrawn.

The Examiner rejected claim 29 under 35 USC 103(a) as being unpatentable over Kumlin in view of Cordani (5,834,104), asserting that while Kumlin does not show the pad in use in workshops, Cordani shows a pad having a non-woven absorption layer and an impervious bottom layer for use in workshops, and therefore, use of the pad placement of Cordani with the particle entrapment pad of Kumlin would have been obvious to one skilled in the art. Applicant respectfully disagrees with this assertion. As stated before, Kumlin does not disclose a high loft nonwoven particle entrapment pad of the present invention, and further does not disclose or even suggest particle entrapment, and Cordani does not disclose or suggest this critical aspect of the present invention. Accordingly, Kumlin combined with Cordani does not render obvious the present invention, and Applicant respectfully requests that the rejection of claim 29 be withdrawn.

Claim 30 is rejected under 35 USC 103(a) as being unpatentable over Kumlin in view of Bishop (6,453,502). The Examiner asserts that while Kumlin does not teach the use of the pad for cleaning, Bishop shows a cleaning pad for cleaning surfaces having a non-woven top layer and bottom layer, and therefore, to use the pad of Kumlin with the function of Bishop would have been obvious. Applicant disagrees with this rejection. Claim 30 is directed to a pad for collecting particles such as dust from office equipment, not to a cleaning pad. As set forth in the description, the pad can be placed underneath office equipment or other equipment to collect falling dust particles--for instance, under a copy machine to collect toner dust. Bishop is only directed to a cleaning pad and does not provide the basic aspects of the present invention that Kumlin fails to disclose as

suggestion, or motivation to combine the teachings of Kumlin and Harris. Accordingly, Applicant respectfully requests that the rejection of claim 20 be withdrawn.

The Examiner rejected claim 29 under 35 USC 103(a) as being unpatentable over Kumlin in view of Cordani (5,834,104), asserting that while Kumlin does not show the pad in use in workshops, Cordani shows a pad having a non-woven absorption layer and an impervious bottom layer for use in workshops, and therefore, use of the pad placement of Cordani with the particle entrapment pad of Kumlin would have been obvious to one skilled in the art. Applicant respectfully disagrees with this assertion. As stated before, Kumlin does not disclose a high loft nonwoven particle entrapment pad of the present invention, and further does not disclose or even suggest particle entrapment, and Cordani does not disclose or suggest this critical aspect of the present invention. Accordingly, Kumlin combined with Cordani does not render obvious the present invention, and Applicant respectfully requests that the rejection of claim 29 be withdrawn.

Claim 30 is rejected under 35 USC 103(a) as being unpatentable over Kumlin in view of Bishop (6,453,502). The Examiner asserts that while Kumlin does not teach the use of the pad for cleaning, Bishop shows a cleaning pad for cleaning surfaces having a non-woven top layer and bottom layer, and therefore, to use the pad of Kumlin with the function of Bishop would have been obvious. Applicant disagrees with this rejection. Claim 30 is directed to a pad for collecting particles such as dust from office equipment, not to a cleaning pad. As set forth in the description, the pad can be placed underneath office equipment or other equipment to collect falling dust particles--for instance, under a copy machine to collect toner dust. Bishop is only directed to a cleaning pad and does not provide the basic aspects of the present invention that Kumlin fails to disclose as

previously discussed. Accordingly, Applicant respectfully requests that the rejection of claim 30 be withdrawn.

The Examiner rejects Claim 33 is rejected under 35 USC 103(a) as being unpatentable over Kumlin, asserting that to use the pad of Kumlin with a pet food or water dish would have been obvious to one skilled in the art in order to keep the animal's eating area more sanitary. Applicant is confused by this rejection since claim 33 is directed to a pad used in a refrigerator to absorb odors, not a pad for use under the pet food/water dish. Non-elected claim 32 is directed to the use under pet food/water dish. Applicant sets forth that claim 33 is allowable. Further Applicant requests clarification of the status of claim 32.

#### Objection to Claims

Claim 33 is objected as being dependent from claim 7, which is not among the elected claims and has been treated, for examination purposes, as being dependent from claim 1. As noted above, claim 33 is dependent from claim 4 and directed to a pad used in a refrigerator to absorb odors, not a pad for use under the pet food/water dish as discussed by the Examiner. Non-elected claim 32 is directed to the use under pet food/water dish. Applicant sets forth that claim 33 is allowable as written. Further, Applicant requests clarification of the status of claim 32.

#### **Conclusion**

Based on the amendments and arguments set forth above, Applicant requests that allowed claims 36, 41, 42, 45, and 47 remain allowed and that the rejections of claims 1-

6, 20, 29-31, and 33 be withdrawn. Applicant believes that all pending claims in the application are now in condition for allowance.

Respectfully submitted,

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